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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATISH KUMAR

Crl.O.P.No.24154 of 2017

&

Crl.M.P.No.13976 of 2017

1. Shalini

W/o.T.Dhana Vasanth

2. T.Dhana Vasanth

S/o.Thynese

... Petitioners/ Accused 1 & 2

Vs.

1.The State

Represented by the Inspector of Police,
M-1, Madhavaram Police Station,
Chennai - 600 110.

2.Kabilan Manoharan

... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C to call for records and quash the FIR No.1004 of 2016, dated 27.08.2016 pending on the file of Inspector of Police, M-1, Madhavaram Police Station, Chennai - 600 110.

For Petitioners : Mr.C.P.Sivamohan

For Respondents : Mr.R.Kishore Kumar

Government Advocate (Crl. side) for R1
: Mr.S.Shankar for R2

ORDER

This petition has been filed to quash the FIR registered against the petitioners in Crime No. No.1004 of 2016 on the file of the respondent police for the offences under Sections 406, 420, 506(2) read with Section 34 of IPC.



2. The crux of the allegation is that the first accused played deception on the de facto complainant stating that she required money for treating cancer and received a sum of Rs.48,00,000/- (Rupees Forty Eight Lakhs only), but later the de facto complainant came to know that the second petitioner, who is the husband of the first accused and the first accused jointly hatched conspiracy to defraud the de facto complainant and induced him to part with the huge amount resulting in the registration of FIR.

3. Heard the learned counsel for the petitioner, learned Government Advocate (Crl.side) appearing on behalf of the first respondent and learned counsel for the second respondent.

4. It is submitted by the learned counsel for the petitioner that though the FIR has been filed for non-payment of Rs.48,00,000/-, thereafter, the parties agreed to settle the matter for Rs.17,00,000/-, in respect of which a compromise has also been entered between the parties. Out of the above said amount of Rs.17,00,000/- agreed, a sum of Rs.11,00,000/- has already been paid and the remaining amount of Rs.6,00,000/- only is to be paid and therefore, he would submit that this is only a civil transaction and the petitioners cannot be prosecuted for the same. The allegations itself indicate that the deception was played from the inception to part with the money. Knowing well that she is not in a position to repay the amount, she has induced the de facto complainant to part with the amount. Not stopping with it, she has also agreed to pay the amount of Rs.17,00,000/- in the subsequent memorandum, which has also not been complied with. Inducing a person to part with the money and to lend money with intention not to repay the amount certainly falls within sub-section (f) of Section 415 IPC. In such of the view, this Court is not inclined to quash the FIR and the respondent is directed to investigate the matter and proceed further in accordance with law.

5. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar



gpa/gba

To

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1.The Inspector of Police,
M-1, Madhavaram Police Station,
Chennai - 600 110.

2.The Public Prosecutor,
High Court, Madras.

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SV(CO)
CB(27/12/2021)